

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to Investigate the)
Implementation of Feed-in Tariffs.)
)
_____)

DOCKET NO. 2008-0273

PUBLIC UTILITIES
COMMISSION

2009 MAY -8 P 3:43

FILED

**ALEXANDER & BALDWIN, INC. through its division
HAWAIIAN COMMERCIAL & SUGAR COMPANY'S
MOTION TO AMEND ITS STATUS AS AN INTERVENOR TO A PARTICIPANT**

DECLARATION OF LEE JAKEWAY

AND

CERTIFICATE OF SERVICE

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COMMERCIAL & SUGAR COMPANY

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TO THE HONORABLE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII:

ALEXANDER & BALDWIN, INC., through its division HAWAIIAN COMMERCIAL & SUGAR COMPANY, a Hawaii corporation ("HC&S"), by and through its attorney, Sandra-Ann Y.H. Wong AAL, ALC, hereby moves the Honorable Public Utilities Commission of the State of Hawaii (the "Commission") for approval to amend its current status as an intervenor to a participant in this proceeding ("Motion"). This Motion is made pursuant to Hawaii Administrative Rules ("HAR") sec. 6-61-41 and 6-61-56, and is supported by the Declaration of Lee Jakeway attached hereto and incorporated herein by reference. Specifically, HC&S is requesting approval that its participation in this proceeding be hereinafter reduced to allow HC&S to: (i) monitor the proceeding by receiving all filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights as stated in its Motion to Intervene, are adequately protected, and (ii) stand on its Final Statement of Position. Pursuant to

HAR sec. 6-61-41(b), HC&S does not request a hearing on this Motion. In support of its Motion, HC&S states as follows:

1. Brief Background and Reasons for Requested Relief.

By Order Granting Intervention, filed on November 28, 2008, the Commission granted intervenor status to HC&S. As such, HC&S is currently a party to the instant proceeding. As an intervenor in this proceeding, HC&S believes that it has fully participated in accordance with said Order Granting Intervention and Order Approving the HECO Companies' Proposed Procedural Order, as Modified, filed on January 20, 2009 ("Order Approving Procedural Order").

As previously stated in prior submissions, HC&S is a division of Alexander & Baldwin, Inc. Alexander & Baldwin, Inc. is a Hawaii corporation authorized to transact business within the State of Hawaii. HC&S is a non-fossil fuel generator that has provided MECO with firm renewable energy since 1980 and is, pursuant to its PPA, obligated to continue to do so until 2014. HC&S provides MECO with eight (8) to twelve (12) megawatts ("MW") of firm capacity renewable energy per contract year.

The majority of Hawaii's sugar plantations have failed and closed within the past few decades and the ability of HC&S to continue to provide firm capacity renewable electrical energy, agricultural products, and employment in Maui depends on operating under the certainty provided by contractual agreements reached in the PPA, and an opportunity to be heard when government agencies take actions that may adversely impact its property and financial rights.

As an intervenor in the instant proceeding, HC&S has concluded that it appears that any feed-in tariff ("FiT") adopted, at least during the initial round, likely will be limited to new generators and will not include existing large biomass generators, such as HC&S. Assuming that these limitations are approved and adopted by the Commission, HC&S's biomass generator, as

described above, will not be considered an eligible technology, at least during the initial round.

Nonetheless, HC&S contends that its participation in this proceeding to the degree allowed by the Commission is critical to ensure that the key policy and design elements of any FiT that is ultimately approved and adopted by the Commission in this proceeding does not materially impact HC&S as an existing Independent Power Producer with a PPA with MECO. Therefore, HC&S respectfully requests that the Commission amend HC&S's status as an intervenor to a participant.

HC&S has met the requirements for participation without intervention under HAR sec. 6-61-56 since it has already met the requirements for intervention under HAR sec. 6-61-55, which carries an even higher standard and, therefore, incorporates by reference its declarations set forth in its Motion to Intervene. As a participant, and consistent with its actions to date as an intervenor in this proceeding, HC&S will not participate in a manner that would unreasonably broaden the pertinent issues established in this docket or unduly delay the proceeding. Furthermore, HC&S asserts that its request to reduce its status from intervenor to participant is consistent with other proceedings¹ and other parties' requests in this proceeding.

2. Conclusion and Summary of Relief Requested

Based on the foregoing, HC&S respectfully requests that the Commission grant its Motion to amend its current status as an intervenor to be a participant in this proceeding, and allow HC&S to continue to participate in this proceeding by: (i) monitoring the proceeding by receiving all filings by the Commission and the other parties to ensure, among other

¹ See, e.g., In re Puuwaawaa Waterworks, Inc., Docket No. 00-0005, Order No. 19152 (January 18, 2002)(approval of parties' stipulation to change status in that proceeding from an intervenor to a participant.

things, that its interests and/or rights as stated in its Motion to Intervene, are adequately protected, and (ii) standing on its Final Statement of Position.²

Respectfully submitted.

DATED: Honolulu, Hawaii, May 8, 2009.


SANDRA-ANN Y.H. WONG

Attorney for
Alexander & Baldwin, Inc. through its division
Hawaiian Commercial & Sugar Company

² In light of HC&S's instant Motion to amend its status as an intervenor to be a participant in this proceeding, and unless the Commission determines otherwise, it is HC&S's understanding that it will not be required to participate and adhere to the remaining procedural steps set forth in the Amended Schedule filed on April 27, 2009.

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DECLARATION OF LEE JAKEWAY

I, LEE JAKEWAY, declare as follows:

1. I am the Director, Energy Development and Planning of Hawaiian Commercial & Sugar Company ("HC&S").
2. I am offering this Declaration in support of HC&S's Motion for Approval to Amend Its Status as an Intervenor to a Participant in the instant docket.
3. I have reviewed HC&S's Motion for Approval to Amend Its Status as an Intervenor to a Participant, and I hereby declare that the statements and/or representations made therein are true and accurate to the best of my knowledge, information, and belief.

I declare under penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct.

Executed May 6, 2009, at Maui, Hawaii.



 LEE JAKEWAY

CERTIFICATE OF SERVICE

The foregoing Motion to Amend Status was served on the date of filing by hand delivery or electronically transmitted to each such Party.

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